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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12 RUBEN FLORES,

13 Plaintiff,

14 v.

15 ASSUREHIRE, INC.,

16 Defendant.

Case No.: 2:25-cv-01621-WLH-SK

Assigned to Hon. Wesley L. Hsu

**DEFENDANT ASSUREHIRE, INC.'S  
NOTICE OF MOTION AND  
MOTION TO DISMISS PURSUANT  
TO FED. R. CIV. P. 12(b)(6)**

Hearing Date: May 30, 2025

Hearing Time: 1:30 p.m.

Courtroom: 9B

Complaint filed: February 26, 2025

Trial Date: Not set

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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on May 30, 2025, at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom No. 9B of the above-entitled Court, located at 350 W. First Street, Los Angeles, California, 90012, Defendant AssureHire Inc. (“AssureHire”) will and hereby does move the Court for an order dismissing Plaintiff Ruben Flores’s (“Plaintiff”) Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

AssureHire’s motion is based on Plaintiff’s failure to meet the Rule 8 pleading standard in his Complaint as a matter of law, including by failing to plead “enough facts to state a claim to relief that is plausible on its face” as to any of Plaintiff’s claims for relief. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

Specifically, Plaintiff’s claim under 15 U.S.C. section 1681e(b) fails because the Confidential Background Check Report from AssureHire dated December 5, 2024 (the “Report”) accurately reports public records, and Plaintiff fails to allege any facts showing that any inaccuracy was due to AssureHire’s failure to follow reasonable procedures to maximize accuracy. Plaintiff’s duplicative claim under California Civil Code section 1785.14 fails for the same reasons. Moreover, Plaintiff fails to allege any facts that support that AssureHire willfully reported on the wrong Ruben Flores.

Plaintiff’s claim under 15 U.S.C. section 1681k(a) fails because the Report was in fact provided to Plaintiff and his prospective employer at the same time and because Plaintiff fails to allege any facts showing that AssureHire failed to maintain strict procedures to insure its Report was complete and up to date.

Plaintiff’s Section 1681e(b) and Section 1681k(a) claims also fail because Plaintiff fails to allege facts showing AssureHire acted willfully or negligently, or that Plaintiff suffered any actual damages or suffered any tangible concrete injury in fact as a result of AssureHire’s conduct. Accordingly, AssureHire respectfully requests that the Court dismiss Plaintiff’s Complaint in its entirety.

1 This Motion is based on this Notice of Motion and Motion, the attached  
2 Memorandum of Points and Authorities, Declaration of Alexander R. Miller, the  
3 concurrently filed Request for Judicial Notice, any other matters of which this Court  
4 may be requested to take judicial notice, and upon such other matters, whether written  
5 or oral, as may be presented to the Court at or prior to any hearing on this motion.

6 This Motion is made following the conference of counsel pursuant to L.R. 7-3,  
7 and the Court's Standing Order for Newly Assigned Civil Cases. As detailed in the  
8 accompanying declaration of Alexander R. Miller, the parties thoroughly discussed the  
9 substance and potential resolution of the filed Motion by videoconference on April 4,  
10 2025, by telephone on April 8, 2025, and through several subsequent emails.

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12 DATED: April 14, 2025

Respectfully submitted,

GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP

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15 By: /s/ Elizabeth A. Sperling  
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